

Formulario NLRB-5168

(3-90)

Caso No 2-CA-39988

2-CA-40056

CONDADO DEL NUEVA YORK)

) SS .

ESTADO DE NUEVA YORK)

DECLARACION JURADA COMPLEMENTARIA

Yo, Catherine Duran, después de haber sido debidamente juramentado, declaro lo siguiente:

Un agente de la Junta Nacional de Relaciones del Trabajo (la Junta) me ha asegurado que esta Declaración Jurada confidencial de Testigo Será considerada por la Junta como un documento confidencial de ejecución de la ley y el mismo no será divulgada a menos que sea necesario divulgar esta Declaración Jurada Confidencial de Testigo con relación a un procedimiento formal.¹

Yo resido en el 1750 Montgomery Avenue, 5G, Bronx, NY 10453
Mi número telefónico es (917) 528-8196

Trabajaba con Preschool of America (la compañía), de aquí en adelante el Patrón.

1. Estuve empleada como asistente de maestra con Preschool of America en su instalación ubicada en el 101 West End Avenue (WEA), Nueva York, NY, desde el 10 de abril del 2007 hasta el lunes, 16 de agosto del 2010.
2. Alrededor de julio del 2010, Robin Mauro se convirtió en la Directora de la Compañía. Antes de Robin, la Directora era Katherine Madaio. Katherine fue la Directora desde septiembre del 2009 hasta julio del 2010. y antes de Katherine, la directora era Mego Gojka. Mego estuvo desde cuando yo comencé hasta como septiembre del 2009. La Directora Ejecutiva de la

¹ Declaración de la Ley de Información Confidencial
Solicitar información con esta forma esta autorizada por la Ley Nacional de Relaciones del Trabajo, 29 U.S.C. Sección 151 et seq. El uso principal de esta información es para ayudar a la Junta Nacional de Relaciones del Trabajo (JNRT) en el proceso de representación y o en los procedimientos de practica injusta del trabajo y los procedimientos relacionados o de litigación. El uso rutinario de esta información esta disponible en el Registro Federal, 71 Fed. Reg. 74942-43 (Dic. 13, 2006). La JNRT explicara luego sobre el asunto cuando le sea pedido. Revelar esta información es voluntario. Sin embargo, fallar a proveer esta información puede causar que la JNRT niegue proceso adicional en practica ilícita de trabajo o en representar el caso, o puede darse el caso que la JNRT le emita una citación y la puede hacer cumplir en el tribunal federal.

compañía es Johana Fan, la dueña de la compañía. En el 101 WEA, la compañía tiene empleada a una contadora llamada Kathy Huang.

3. Como contadora, Kathy es responsable de hacer las nominas, tanto como de programar y aprobar tiempo de vacación, ('leave' en ingles) días de enfermedad y días personales. Cuando yo tenia que tomar tiempo libre ya sea por obligaciones personales o para tomar mi tiempo de vacación, yo llenaba un formulario Standard que se mantiene en la oficina y así es como solicitaba mi permiso de salida. Luego yo le llevaba el formulario a Kathy, después de haberlo llenado. Kathy abría su agenda/calendario (master calendar en ingles), lo revisaba y anotaba y me aprobaba el tiempo diciéndome que podía tomar la ausencia solicitada. Casi siempre Kathy me decía que estaba bien, pero hubieron ocasiones que me pidió que cambiara mis citas para otras fechas. Kathy luego, tomaba mi papel donde yo había solicitado mi tiempo de ausencia y lo colocaba en mi expediente personal (folder en ingles). Yo no le pedía permiso de ausencia a ninguna otra persona sino a Kathy. Kathy también me ~~proporcionaba las camisetas~~ ^{proporciono} ~~además de~~ los artículos que necesitábamos en los salones de clases, incluyendo papel, clay y juegos.

4. En el 101 WEA, la compañía emplea a como 12 maestros a cargo fijos, a como 12 asistentes de maestros y a un sólo flotante. Estos maestros sirven/enseña a grupo de cómo 200-250 niños/estudiantes.
5. Como asistente de maestra, yo era responsable de ayudar a la maestra encargada en la preparación de la lección, enseñar la lección planificada, preparaba y servia los alimentos, supervisaba a los niños, manejaba los recesos de idas al lavatorio y mantenía los salones limpios/ordenados. Me pagaban \$10.20 por hora. No recibía ningún tipo de prestaciones o plan de retiro de la compañía. Mis horas de trabajos eran de 8:30 de la mañana a 5:30 de la tarde de lunes a viernes. Desde como dos meses de cuando comencé a trabajar en el 2007, ocupe el cargo de asistente de maestra flotante. Desde aproximadamente junio del 2007, hasta que me despidieron, estaba asignada a la clase de los "Tiny Tigers" la cual es la

clase de los niños de edades de 2 ½ a 3 ½ años. Durante los años, 2008, 2009, y 2010, la maestra encargada con la que trabajaba era Maria Estrada.

6. La instalación de la compañía del 101 WEA, ocupa el segundo dentro de este edificio, pero los empleados entran al edificio a través del primer piso. Hay como 15 salones de clases en el segundo piso, en el que se incluye un gimnasio, un salón de televisión y una cocina.
7. A partir de finales de agosto y principios de septiembre del 2007, firme un contrato laboral (employment contract en ingles) que entraba en vigor a partir de septiembre 2007 hasta agosto del 2008. A finales de agosto del 2008, nuevamente, firme otro contrato laboral. Mi más reciente contrato laboral comenzó a partir de septiembre del 2009 a agosto del 2010. Cada año, firmaba mi contrato laboral a finales de agosto o principios de septiembre. Cada año, la directora en vigencia, me llamaba a la oficina y allí mismo firmaba mi contrato laboral. Las normas de la compañía con respecto a tomar tiempo de vacación, días de enfermedad o días personales están explicadas en el contrato laboral. Las normas de la compañía consistía en que yo tenía derecho a cinco días de vacación, 12 días de enfermedad o días personales pagos. Solamente me pagaban por un día al mes de enfermedad o día personal, pero no existía límite en tomar días de enfermedad o días personales sin paga. Hasta como el invierno del 2010, también recibíamos un receso de invierno y de primavera pagado. Comenzando a partir del receso de invierno del 2010, la compañía decidió quedarse abierto durante el receso de invierno y de primavera y los maestros tuvieron que reportarse a trabajar. La política de la compañía con respecto a las tardanzas son que si se llega tarde, uno tenía que quedarse a trabajar más tarde. Entre abril del 2007 cuando comencé a trabajar y hasta el momento de mi despido, yo mantuve consistencia con mi uso de tiempo de vacación, enfermedad, excepto durante los meses entre septiembre y diciembre del 2009, cuando estuve ausente con frecuencia incrementada porque me diagnosticaron una

enfermedad. Nunca recibí ninguna disciplina de la compañía por presuntamente violar las reglas de la compañía con respecto a mi asistencia, hasta este verano del 2010, no me acuerdo cuantos días estuve ausente en cada uno de estos dos años, pero obtuve aprobación de todos mis días de vacación y enfermedad de Kathy antes de tomar mi tiempo de ausencia y todos mis días de enfermedad fueron aprobados por Kathy cuando era necesario que yo tomara tiempo de enfermedad. A partir de cómo el 2008, comencé a llegar como de 5-10 minutos tarde al trabajo, al menos dos veces semanales hasta el momento que me despidieron. La compañía nunca me disciplinó por presuntamente violar las reglas concernientes al tiempo. Todas mis ausencias y tardanzas del 2010, fueron similares a las ausencias y tardanzas que había tomado en años anteriores. Hasta donde recuerdo, tomé nueve (9) días sin pago del 1 de diciembre al 11 de diciembre, 2009, para recibir tratamiento por mi enfermedad. Esta ausencia fue pre-aprobada por Kathy antes de irme y también hable con Kathy de que iba a estar fuera. Además, tome mis cinco días de vacación del 2010, a partir del 9 de agosto a. 13 de agosto del 2010. Mi tiempo de vacación fue pre-aprobada por Kathy. También recuerdo que estuve ausente el 25 de febrero del 2010 para una funeraria y esta ausencia fue aprobada por Kathy.

8. En algún momento de abril o mayo del 2010, el District Council 1707, comenzó a organizar a los maestros principales y a los asistentes del 101 WEA. Alrededor de mayo del 2010, yo firme una tarjeta de autorizar la unión. La tarjeta de la unión me la entregó María, mi maestra encargada, lo hizo en el mismo salón de clases. Cuando María me entregó la tarjeta, ella me dijo que era una solicitud para ingresar en la unión y que yo debía firmarla para que me ayudara la unión y así nos convertiríamos en miembros de la unión. María me dijo que ella recibió la tarjeta cuando fue a la reunión de la unión durante el fin de semana. Ese mismo día, yo firme la tarjeta y se la devolví a María.

9. Alrededor del 5 de junio del 2010, acudí a una reunión de unión en la oficina de la unión. Presente estaban los representantes de la unión Julio De Jesús, Henry Mora y Mike (apellido desconocido). También habían como 10 asistentes de maestros de la instalación del 1501 Lexington Avenue, NYC. La única persona que yo conocía de allí es Reina Peralta pero yo no habló con ella ese día en la reunión. También había como 10 maestras principales de WEA en esta reunión. Esta reunión duro como tres (3) horas. Me acuerdo que Julio nos habló acerca de la unión y nos dijo que ya casi todos habían firmado para la unión. El dijo que la unión iba a presentar las peticiones por separado; la de WEA y la de Lexington y que una de las instalaciones tenía que ir primero que la otra, Julián dijo que la instalación de WEA seria presentada primero. Yo no acudí a ninguna otra reunión de la unión además de esta.
10. En o alrededor del 21 de junio del 2010 como a las 12:45 p.m. Kathy entro a mi salón de clases y me entrego una hoja de papel. Yo la vi caminar adonde María y también entregarle una hoja de papel. María, Kathy y yo todas nos acercamos y cuando mire la hoja supe que era un formulario para rescindir mi apoyo por la unión. María y yo ambas le preguntamos a Kathy que era el formulario y porque lo teníamos que firmar. Kathy dijo que teníamos que firmarlo como prueba de que no queríamos estar en la unión. Kathy dijo, Joanna esta aquí en el cuarto de televisión y ella quiere que lo firmemos. Kathy dijo que Joanna piensa que Katherine estaba tratando de entrar la unión. María y yo dijimos que no íbamos a firmarlo porque no queríamos estar involucradas. Kathy dijo, oh ustedes dos probablemente no quieren firmarlo porque probablemente quieren la unión. Yo firme el formulario y le dije a Kathy que esto le enseñaba a ella que yo no quería la unión. María lo firmo también. Una copia del formulario que yo firme esta adjunto como objeto expuesto A La conversación duro como 5 minutos. .
11. Entre el 21 de junio del 2010 y el final de julio del 2010, yo encontré en mi buzón muchas hojas que tenían que ver con la unión explicando

porque deberíamos votar no para la unión. No recuerdo las fechas exactas que recibí estas hojas pero copias de las hojas están adjuntas como objeto expuesto B. Cada maestro y asistente de maestro tiene un buzón personal localizado en la oficina. La mayor parte del tiempo los buzones son usados para que el director o Kathy pueda comunicarse con nosotros. El único otro uso de mi buzón es cuando un padre quiere dejarme un regalo y no puede encontrarme. Nunca supe de que mi buzón haya sido usado para cualquier otro propósito.

12. En o alrededor del 16 de julio del 2010, estaba entrando en el edificio alrededor de las 11 a.m. cuando pase por la oficina. Robin me dijo que deseaba hablar conmigo sobre la unión. Me senté al lado de Robin en el único escritorio en la oficina. Kathy también estaba sentada en el escritorio como a pie y medio de distancia de mí. Robin me preguntó si yo sabía de la unión y si alguna persona me había hablado de la unión. Ella me preguntó si yo sabía como trabajaba la unión. Yo le dije que no sabía mucho de la unión. Robin dijo que si votábamos y entrábamos la unión ya no podríamos hablar con ella sobre las condiciones de trabajo. Ella dijo que por ejemplo si se me asignaba una nueva maestra y no me gustaba yo no podía solo venir adonde Robin para arreglarlo tendría que hablar con la unión. Entonces Robin dijo que la unión nos quita un porcentaje de nuestros cheques. Robin dijo se que eres bien bonita e inteligente entonces cuando llegue el día de votar se que votaras no. Robin saco un archivo de manila grande lleno de resumes y dijo que ahí tenía ella un archivo lleno de resumes en cualquier momento yo podía ser reemplazada. Robin dijo que si yo votaba por la unión yo seria reemplazada. La conversación duro cinco minutos. Kathy no hablo durante esta conversación.
13. En o alrededor de una semana después yo me encontré con Robin en la cocina como a las 2 p.m durante mi hora de almuerzo. Robin me preguntó si yo tenía algunos minutos le dije que si. Robin dijo que Joanna estaba en el cuarto de televisión y deseaba hablar conmigo. Camine con Robin al

cuarto de televisión y ambas nos sentamos con Joanna. Joanna le pregunto a Robin si yo era la persona que había estado hablando afuera con el muchacho de la unión. Robin dijo que no que esa era María. Yo dije que ninguna de nosotras había estado hablando con el. Mas temprano ese día cuando María y yo estábamos de regreso del parque con los niños estábamos en una esquina esperando cruzar la calle, y Julián estaba parado en la misma esquina. Cuando entramos a la escuela Robin salio de la oficina y nos dijo que no estaba permitido hablar con ninguna persona en la calle. Robin pregunto si conocíamos a ese muchacho afuera de la unión. María dijo que ella lo conocía. Robin dijo que no estábamos supuesta a hablar con el. María le dijo que no estábamos hablando con el sino que solo caminamos alrededor de el. Creo que a eso fue lo que Joanna se refirió cuando le pregunto a Robin si yo era la persona hablando con el representante de la unión. Joanna se presento como la dueña de todas las escuelas. Joanna dijo que no podía creer que habíamos traído la unión. Joanna dijo que ella era bien buena con nosotros. Joanna dijo que vino aquí de China con \$40 dólares en su bolsillo y trabajo en Dunkin Donuts y fue niñera. Joanna dijo que ahorro suficiente dinero para ir a NYU y que trabajo bien duro y por eso tiene lo que tiene. Joanna dijo que West End era una de sus escuelas favoritas y que si yo tenía algún problema yo podía hablar con ella. Joanna dijo que ella era la dueña y que si traíamos la unión o no, no íbamos a tener lo que queríamos. Joanna dijo que era loco el pensar que otra persona viniera y diera órdenes ya que ella era la dueña. Joanna dijo que la unión no podía obtener lo que queríamos. Robin solo decía "*nothing at all*". Joanna me pregunto si alguien me había hablado de la unión y si yo sabía algo de la unión. Yo le dije que no sabía mucho de la unión y que este era mi primer trabajo en el cual había algo con la unión. Pero le dije que sabía lo que Robin me había dicho de la unión y lo que decían los volantes de Robin sobre la unión. Joanna me pidió que por favor votara no por la unión, pero

dijo que no importaba porque pasara lo que pasara la unión no obtendría lo que queríamos. La reunión duro como 15 minutos.

14. Antes de que empezara la campaña de organización de la unión, había visto a Joanna una o dos veces en la escuela. Previamente, ella no se había presentado a mí. Nuestra conversación del 23 de julio fue la primera vez que en si la conocí.
15. En o alrededor del 28 de julio del 2010, a las 11:45 a.m Kathy entro a mi salón de clase y me dijo que me reportara al gimnasio para una reunión con Mego, Robin, y Jill. Jill Howard tiene la misma posición que Mego. Creo que son los jefes del director. Fui al gimnasio como a las 12:00 p.m. y me senté en una silla que había sido puesta en un círculo. Presentes estaban como 15 asistentes de maestros incluyendo Anesia Lloyd, Hope Dublin, Tatiana Navia, Maria Esterbia, Tamika Singleton, John DeLeon, Ana Katz Nelson, Antoinette Monroe Amanda Nunes, Tatiana Gibbs, Taylor (apellido desconocido) Cindy (apellido desconocido), y dos nuevos asistentes de maestros cuyos nombres desconozco. Jill, Mego, Robin y Kathy estaban todas ahí sentadas en el circulo también. Mego hablo primero ella nos saludo y nos dijo que nos quería mucho y que no podía creer que esta cosa de la unión estaba ocurriendo aquí. Robin entrego el volante de la *unión o no la unión* cual es parte de objeto expuesto B. Robin leyó el volante y a veces explicaba sobre el volante. Cuando llegamos a la sección de pago, Robin lo hizo sonar como que se nos estaba pagando más de lo que debían. Yo le dije a Mego que Robin me había dicho que yo seria despedida si yo votaba si por la unión pero le pregunte a Mego como eso era posible ya que no sabrían como yo votara en la elección y si la mayoría votaba que si yo todavía podía votar que no. Robin dijo que yo no la entendí bien y que ella nunca dijo eso. Anesia y John De León dijeron, no usted nos dijo eso a nosotros también. Mego dijo que así no era que solo seríamos reemplazados si íbamos a huelga. Mego dijo que si íbamos a huelga tendrían que encontrar nuevas personas para hacer nuestros trabajos y después que regresáramos no

podían devolvernos nuestros trabajos ya que habrían encontrado otras personas para reemplazarnos. Recuerdo que cuando llegaron a la sección de vacaciones del volante hubo mucha habla sobre la decisión de Joanna de quitar el receso de invierno y de la primavera. Recuerdo haber hablado de mi hijo en la escuela publica el tener que cuidarlo ya que el no tienen escuela durante estos tiempos. Recuerdo que Jill y Robin dijeron que nada de esto iba a cambiar que Joanna había hecho las nuevas reglas y ella es la dueña y si quieren trabajar aquí tienen que seguir las reglas de Joanna. Jill y Robin ambas dijeron que la unión tampoco cambiaría las nuevas reglas porque Joanna no iba a negociar con la unión. Robin dijo que eso loco pensar que la unión no obtendría algo diferente ya que Joanna era la dueña y nadie de afuera podía decirle que hiciera algo diferente. La reunión duro como una hora.

16. En o alrededor del 30 julio Kathy vino a mi salón de clases a las 11:30 p.m 11:30 me dijo que iba a haber una reunión en el gimnasio con Joanna a las 12:00 pm. En o alrededor de las 12:00 fui al gimnasio, habían sillas en un círculo. ^{CD} ~~Robin~~ y Joanna estaban ahí. Presentes estaban Anasia Lloyd; Hope Dublin, Tatiana Navia, Maria Estvenia Torres, Joan De León, Ana Katz Nelson, Antoinnete Monroe, Amanda Nunes; Tatiana Gibbs Taylor , asistente de maestra y otros dos asistentes de maestras. Joanna le pidió a Robin que se fuera de la reunión y ella se fue. Joanna empezó la reunión por decirnos como ella llego a America. Joanna dijo que ella vino a Nueva York con 40 dólares en su bolsillo y que cuido niños y trabajo en Dunkin Donuts para pagar y ir a NYU. Joanna dijo que ella era una buena persona ,que West End era su escuela favorita y que ella no podía creer que estábamos tratando de unirnos a una unión. Joanna dijo que ella apreciaba todo los que sus maestras hacían y que en su escuela de Chinatown ella le dio a las maestras collares de manzanas de Tiffany's y les dio viajes a China. Joanna dejo que estaba herida y molesta cuando los representantes de la unión se le acercaron y le dijeron que queríamos una unión. Yo le pregunte a Joanna

si nos despedirían si votábamos por la unión. Joanna dijo que no nos despediría sin importar el voto. Yo le pregunte porque estaba contratando a todas estas nuevas maestras si no nos iba a despedir. Joanna dijo que la escuela se estaba engrandeciendo y necesitaban mas asistentes y estaban expandiendo a la tienda de Ethan Allen y tratando de obtener la licencia de P-K. Joanna dijo que necesitaba mas maestras para los nuevos salones de clases. Joanna dijo, no se preocupen todos tendrán trabajos. Joanna dijo que la única manera que perderíamos nuestros trabajaos fuera si fuéramos a huelga porque tendría que reemplazarnos porque necesita personas que cuiden a los niños. Yo le pregunte porque Robin no esta presionado si saben que la unión no ganara. Yo le dije a Joanna que Robin nos estaba presionando mucho. Joanna dijo no Robin es una buena persona y que cuando Joanna habla con Robin ella es siempre amable. Yo dije por supuesto que Robin es buena con usted, usted es la dueña. Joanna se paro y dijo que mis problemas con Robin eran eso mis problemas. Joanna dijo que ella le gusta reunirse con nosotros así. Pero que si teníamos problemas en el futuro y teníamos una unión no podíamos hablar con ella, solo podríamos hablar con la unión. Hope pregunto sobre el cambio durante el receso de verano y primavera. Joanna dijo que las vacaciones fueron quitadas porque un padre dio queja. Joanna dijo que la unión no podía cambiar eso y que no podían entrar en la escuela porque era una escuela privada y un negocio pequeño. Joanna dijo que la unión perdería porque ella tiene buenos abogados y la unión no. Joanna dijo que si votábamos que si ella estaría enojada con nosotros y no nos hablaría. Kathy entro y dijo que Robin la mando para que le dijera a Joanna que terminara la reunión porque la maestras tenían que tomar sus recesos. La reunión termino. La reunión duro como una hora y quince minutos.

17. Alrededor de las 3 p.m esa tarde, Joanna vino a mi salón de clases y me pidió que fuera al gimnasio con ella. Caminamos al gimnasio juntas y nos sentamos en dos sillas. Joanna dijo que me quería hablar para

asegurarse de que todo estaba bien y que yo no tenia ningún problema. Yo dije que yo quería que Joanna hablara con Robin porque estábamos cansados de toda la presión que ella no ponía, chequeándonos constantemente y entrando a nuestros salones de clases. Joanna dijo que hablaría con ella pero teníamos que comprenderla porque ella era nueva y tenia que manejar todos los problemas de la unión. Joanna dijo que las cosas de la unión eran nueva para Robin. Joanna dijo que teníamos que darle una oportunidad a Robin porque ella tenía un trabajo con mucha presión. Joanna me pregunto si yo confiaba en ella. Joanna me dijo que yo podía confiar en ella un poco y que quería que yo votara no en la elección de la unión.

18. El 2 de agosto la elección de la unión fue celebrada. La unión gano la elección. El siguiente día el 3 de agosto encontré una nota en mi buzón de Robin que decía que ella iba estar conduciendo evaluaciones anuales. Una copia de esta carta esta adjunta como objeto expuesto C. En o alrededor del 3 de agosto recibí en mi buzón un aviso de Joanna cambiando la póliza de asistencia y una copia de este aviso esta adjunto como objeto expuesto D. Estaba programada para estar de vacaciones del 9 de agosto hasta el 16 de agosto.
19. En o alrededor del 12 de agosto en lo que estaba de vacaciones recibí una carta en la casa de mi padre de Joanna diciendo que yo estaba despedida por mi tiempo y asistencia y mi desempeño en el trabajo. De todos modos regrese al trabajo el 16 de agosto. Antoinette vino a mi salón de clases arriba y me dijo que yo tenía que hablar con Robin. Alrededor de las 10:30 a.m. Kathy llamo en el teléfono del salón de clases y me dijo que tenía que ir a su oficina. Antes de ir a la oficina llame a Julián que viniera a West End a representarme. Cuando Julian llego Kathy no lo dejaba entrar pero después de algunos minutos de estar ahí el entro detrás de un padre que había sido permitido entrar. Julian y yo fuimos a la oficina juntos. En la oficina estaba Kathy y una mujer que no conozco. Julian le dijo a Kathy que el vino a representarme. Kathy dijo

que yo tenía que hablar con Robin en el teléfono. Ella estaba de vacaciones. Julián le dijo a Kathy que pusiera el teléfono en alta voz. Cuando Robin contestó Kathy le dijo que me tenía a mí y a Julián en el teléfono. Robin me dijo que recogiera el teléfono. Julián dijo que no que teníamos que estar en alta voz. Robin dijo que yo estaba siendo despedida por mis ausencias y por documentos falsos. Ella no dijo de que documentos ella estaba hablando. Yo dije que no falsifiqué ningunos documentos. Robin dijo que no tenía nada más de que hablarme y que si tenía alguna pregunta la podíamos ver en corte. Julián preguntó por mi archivo de personal y Robin dijo; que no que estaba de vacaciones. Ella le dijo a Julián que no le daría ninguna información y que todo tendría que ser por medio de abogados en la corte. La conversación terminó. La conversación duró como 25 minutos. Yo no falsifiqué ninguno documentos y no sé de que está hablando ella.

20. En o alrededor del 19 de agosto yo participe en la demostración en West End alrededor de las 4:30 p.m. En la demostración estábamos mi persona, Hope Dublin, Tameka Singleton, Anesia Lloyd, Tatiana Navia, Joan De León; Zulay Pichardo y como otros 30 representantes de la unión incluyendo a Julián y Mike. Nos paramos a 30 pies de la entrada principal de West End. Los maestros tenían letreros de sándwiches y también entregamos volantes. Alrededor de las 6 p.m como tres maestros de Lexington cuyos nombres desconozco llegaron. En un momento durante la demostración vi a Kathy parada adentro delante de la puerta de vidrio. Ella tenía su teléfono celular en dirección a nosotros pero no sé si estaba tomando fotos. Alrededor de las 5:00 p.m, un nuevo director de las instalaciones nuevas del Patrón el la 73 cuyo nombre no conozco camino hacia fuera de la instalación de West End con su brazo agarrado de Allison Glass en un lado y Jennifer Devure en el otro lado de ella. La nueva directora se dirigió a nosotros y nos dijo estas son nuestras buenas maestras en Pre-School of America. Me fui cuando la demostración terminó como a las 6:30 p.m

21. Todas las conversaciones de que yo he hablado en esta declaración jurada fueron en ingles. Puedo hablar y entender ingles y siempre he hablado con Kathy y Robin y Joanna en ingles.


He recibido una copia de esta Declaración Jurada confidencial de Testigo para mi revisión. Si luego de haberla revisado de nuevo recuerdo datos o información que pudiera ser revelante a la misma, o si luego deseo hacer cambios a esta declaración le notificare al agente de la junta inmediatamente. Entiendo que esta declaración es un documento confidencial de ejecución de ley, y que el mismo no deberá ser mostrado a persona alguna, excepto a mi abogado a mi representante en este procedimiento.

He leído esta declaración de 13 paginas, incluyendo esta pagina, entiendo su contenido completamente, y certifico que, según mi mejor entender y creencia, es cierta y correcta.


Firma del Declarante: Catherine Duran

Jurado y suscrito delante de mi en
Nueva York, Nueva York
Este 27 día de Septiembre 2010


Nicole Buffalano, Agente de la Junta
Junta Nacional de Relaciones del Trabajo


Juniry Luna-Sánchez
Intérprete de la Junta

June 21, 2010

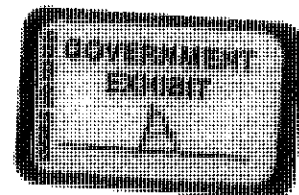
To Whom It May Concern:

My name is Catherine Durán and I am currently working at Preschool of America, 101 West End Ave, New York, NY 10023. I never heard of DC 1701, I have no intention to join the Union, if someone had put my name for this matter that was the misrepresentation.

I have not been coerced into sign this and will not be retaliated against if I choose not to sign this.

Sincerely yours,

Catherine Durán



SOCIALISTWORKER.org

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Left-wing AFSCME official in NYC removed undemocratically

The struggle for DC 1707

By Lee Sustar and Shaun Harkin | February 25, 2005 | Page 11

NEW YORK--An outspoken official in the public-sector union AFSCME has been removed from office undemocratically amid a dispute over a contract ratification vote for New York City day care workers.

Brenda Stokely, president of AFSMCE District Council (DC) 1707, was voted out of office by union delegates in January after DC 1707 Executive Director Raglan George alleged that she had held her office in violation of the union constitution. The removal of Stokely—who is co-chair of New York City Labor Against the War, and was an organizer for last summer's Million Worker March--follows George's decision to fire two other officials aligned with her, Gloria Jackson and Chuck Mohan.

Stokely, Jackson and Mohan had been part of a reform slate with George that won office in May 2002.

Stokely's political views—including her criticisms of the Democratic Party, speaking as a leader of the Labor Party--have long been unpopular with the AFSCME hierarchy, as is her advocacy of union democracy. Zionists within AFSCME locals have also criticized her pro-Palestinian and antiwar views.

It appears that the AFSCME leadership's longstanding hostility toward Stokely dovetailed with the opposition of her Zionist critics, as well as George's ambition to consolidate his grip on DC 1707.

At the heart of the controversy is a concessions contract for day care workers pushed by George and opposed by Stokely, Jackson and Mohan.

DC 1707, which represents 23,000 day care and home care workers at centers run by private, nonprofit agencies, is far smaller than AFSCME DC 37, which represents more than 100,000 city workers. But DC 1707 upstaged its bigger counterpart by organizing a one-day strike of day care workers in February 2003, and a three-day strike in June 2004, in the fight for a new contract.

Nevertheless, the new contract put together this month has many weaknesses. It calls for separate, but simultaneous raises totaling 12 percent effective January 1, 2005 in a 63-

Average of 2% a year
but ----

City day care workers didn't get any increase for past six years

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If you strike we will replace you !!!



month contract retroactive to January 1, 2001. Another 2 percent wage increase is set for April 2005—but only if the union agrees to further concessions on productivity. New hires would be paid 11 percent less than the final wage rate as of April.

how terrible for new stuff?

The contract also lacks any guarantees of retroactive pay for the period since 2001. Instead, the union is relying on Democrats in the state legislature to provide \$20 million for such pay at a later date, "a policy that's already failed twice," according to Stokely—once under former Mayor Rudolph Giuliani and again under the current mayor, Michael Bloomberg. The result, said Stokely, will be no compensation for a four-year wage freeze.

is that you are looking for? If Mayor want to freeze a four-year wage, why Joanna should not?

Do you want our school close because of 11 percent less than the final wage rate and a four-year wage freeze?

Meanwhile, day care centers are closing because low pay means they can't retain the ratio of qualified teachers for the kids. "Our day care centers were the first to be organized in the country," Stokely told *Socialist Worker*. "This came out of the African American struggle as a demand. That's one of the reasons we are raising this up" in the union and the community.

With new union elections coming up in May, George was acting to "clear the decks" of potential rivals—and critics of the concessionary contract put before the membership, Stokely said.

your union due will go to those people. \$500 a year from your pay check equal 2% decrease from your salary.

To silence her, George used his powers as executive director—an administrative position in the AFSCME structure that allows officials to remain in office for years. George got the DC 1707 delegates to vote to increase his pay from \$70,000 to \$100,000—and used patronage to get the votes to remove Stokely, she said.

George claimed that Stokely is a union employee, and is therefore ineligible to hold the presidency under union rules. In fact, Stokely had been given a stipend from the union after being laid off from her job in 2003—and in any case cannot be removed without facing charges.

On February 14, Stokely, Jackson and Mohan filed a federal lawsuit to try to overturn George's actions in removing them under the Labor Management Reporting and Disclosure Act.

In a word, you have a lot to lose!!

The following day, according to Stokely, George intervened in a contract ratification meeting of AFSCME Local 205, which represents about 7,000 day care workers. Witnesses say that George took over the meeting from Local 205 President Glen Huff to call for a stand-up vote on the contract—violating union procedure that calls for a formal ballot.

Stokely and her supporters vow to continue the fight. "I am a delegate of Local 215, and I will be at the next meeting," she said.

A LOT TO LOSE

The Union simplified:

Become union→ make demands→try to negotiate→ we reject demands→ strike→ we permanently replace you

Employers ultimately decide the terms of the contract, not the Union

In our conversations with staff about the upcoming union election, it has become clear that many teachers are under the impression that they have nothing to lose by joining a union. Obviously, if employees had nothing to lose by bringing in unions, everyone would want to join a union. But only 7% of the country's private sector workers are unionized! Why don't the other 93% want a union? Perhaps they understand what they could lose:

1. Union Dues: Union dues range from \$23.50 to \$41.20 per month. When you have a union contract, you have to pay dues regardless of what the contract says even if there is no improvement in your wages and benefits. In fact, you would have to pay dues even if you end up with a package that is less than what you already have.

2. Existing Benefits: The Union can make all the promises it wants. But that does not mean they will become reality. There is no guarantee that in a union contract that you will end up with a better package. There is no guarantee that you will keep everything you have now. It is possible as a result of negotiations you could wind up losing benefits that you already have. We have voluntarily provided you with a benefit package that exceeds what our competitors offer without you having to pay union dues.

Employers ultimately decide the terms of the contract, not the Union.

3. Union Strikes: Right now you have the ability to work without having to worry about having to go out on strike. Preschool of America is not a government agency. We are a private company. This is not like the Department of Education. We can't raise taxes if we do not have enough revenue to meet our expenses .

We cannot and will not agree to unreasonable wage and benefit demands that would put us in a noncompetitive position. If the Union was to win the election and we could not come to an agreement, the Union's only weapon would be to call a strike.

- During a strike, you will not be paid.
- During a strike, you will not collect unemployment unless the strike lasted more than six weeks. Have you thought about how you would support yourself or your family without any money for 6 weeks?
- Finally, if there were a strike, we have the right to permanently replace you.

That would mean that you might not have a job when the strike was over. We would not want a strike, but we would prefer that to agreeing to unreasonable union demands. And we would be in a position to hire permanent replacements. Every day we get unsolicited resumes from people who are *anxious* to work for us and who have excellent credentials.

Employers ultimately decide the terms of the contract, not the Union.

So you see, there can be serious consequences for everyone on staff as a result of unionization. These potential consequences will affect everyone here. Even if you signed a card for the Union, you have no obligation or duty to join. You have the right to decide for yourself after learning all the facts what is best for you and your family.

This is a secret ballot election conducted by the federal government. No one will ever know how you voted.

You can still protect yourself from the risk of the serious consequences by voting **NO for NO UNION**. That is the only way you can be sure that you won't have to pay union dues, possibly lose existing benefits in negotiations, or risk your job security by going out on strike and being permanently replaced.

Vote NO for NO UNION

Union VS Non Union

<u>Salary</u>	Increase 2% of salary with a four-year wage freeze (ACS current union contract)	POA increase 2% of salary, guaranteed every year especially in the economic depression (Existing)
<u>Beginning Salary</u>	11 % less than original rate (ACS current union contract)	Higher than other child care centers based on staff qualifications
<u>Improved Credentials</u>	With a strict 5 years contract, union member cannot improve status with education. No raise, no promotion when teacher is working on their credits/license. Teacher can only can be the teacher, and the assistant can only can be the assistant	Professional growth: We promote staff based on the completion of qualifications. The assistant can be promoted to a teacher; the teacher can be promoted to director. More qualifications = higher position with more pay
<u>Qualifications</u>	Very strict qualification requirements with credentials and licenses (review ACS teacher/assistant requirement with the union contract)	*Flexible schedule to support student teaching and schooling *Free college credits *Staff development *More Ed. credits = more pay
<u>Health Plan</u>	The labor law only requires a private company employer to pay \$100 for share co-payment.	We are currently contributing \$300 monthly for each employee who requires the health benefits (Existing)
<u>Retirement Plan</u>	Not required for a private Co.	We offer 401K plan with 3% match
<u>Vacation</u>	8 Federal Holidays, not required more days off for a private Co.	11 holidays, 12 sick/personal days and 2 weeks' vacation. Same as ACS
<u>Rules</u>	Many restrictions with schedule and other policies	More flexibility in the private company (Existing)
<u>Employee Child Care</u>	No other unionized day care provides employee child care	Yes (Existing)
<u>Relationships & Social effects</u>	Hostile, disruption (court battles, strike, replacement)	Big family oriented, friendship, and harmony
<u>Union Dues</u>	\$500 per yr = -2% of your salary.	None
<u>Use of Dues</u>	*Increase union officials salary *Union salesperson commissions *Political activities and lobbying *Restaurant and hotels, gifts etc.	N/A
<u>Performance</u>	More unionized day care closing, more day care workers layoffs	POA is expanding, more job opportunities
<u>Management</u>	With union bureaucracy and policy, 16 unionized day care centers were closed in 2009	Efficient, direct and improving
<u>Trend</u>	Union is declining nationwide, only 7% companies are unionized, they are all government agencies	More employee involvement, more improvement

DC 1707 is not UFT (United Federation of Teachers), POA is a private company, all benefits are only from the employer, not union. Compare to the unionized day care centers or the private companies, we have offered a lot.

Vote for NO UNION!!!!

QUESTIONS AND ANSWERS ABOUT THE UNION

In our discussions with employees about the Union election, several questions have come up that we thought we should share with everyone:

Q. I signed a card for the union. Do I have to vote for them in the election?

A. No. Even if you signed a card for the union, you have the right and the obligation to vote for what you think is in your best interests. If you do not want to pay union dues or worry about union strikes, you have the right to vote **NO for NO UNION**. Remember, this is a secret ballot election and no one will know how you voted.

Q. How much are union dues?

A. It is our understanding that union dues range from \$23.50 to \$41.20 per month. Almost all union contracts require that union dues be taken of your paycheck and sent directly to the union. Almost all union contracts require that all employees in the bargaining unit pay dues regardless of whether or not you like what has been negotiated in the contract. Right now, you do not have to pay dues to receive your current wage and benefit package which exceeds what is offered by all of our competitors.

Q. What do I get for my union dues?

A. According to the Union's most recent financial statement, it received last year \$11,651,459 in revenue. Of that amount, the Union spent **ZERO** on behalf of individual members.

Q. What did the Union do with the money?

A. Most of the money goes to pay for the Union's expenses and overhead such as the salaries of Union officials. They spent \$313,863 for political activities and lobbying and \$65,184 for contributions, gifts and grants. Their expenses included over \$5,000 for flowers, over

\$16,000 for taxis, over \$30,000 for restaurants and over \$40,000 for hotels.

Q. What happens if the Union wins the election?

A. The Union wins only the right to negotiate with management for a collective bargaining agreement. In negotiations, there is **NO** guarantee that you will receive a better package of wages and benefits than that you already receive. It is possible you might wind up with a package that is the same, better or worse.

Q. But what about the promises that the Union has been making?

A. The Union can make all the promises they want, but that does not mean they will deliver. The company has to agree to any improvements in wages or benefits before they become reality. We can guarantee that we will not agree to an economic package that we could not afford, just like we did not agree to the proposals the Union made the last time we negotiated with them.

Q. Can't the Union force you to agree to their demands?

A. The only thing a Union can do to try to force a company to agree to their demands is to call a strike. We would not want a strike but we would prefer a strike over agreeing to an economic package that we could not afford. In case of a strike, the employees who go on strike would not get paid. How long could you afford to be without a paycheck? How would pay for your rent and groceries and other expenses. Remember the Union has nothing to lose by calling a strike. The Union organizers continue to get their paychecks when there is a strike. You can't even collect unemployment benefits until after the strike lasts six weeks.

Q. Won't the Union give me strike benefits?

A. According to the Union's financial statement, it spent **ZERO** on strike benefits last year.

Q. I want to be neutral. Can't I just not vote?

A. Not voting is the same as voting for the union. The election is decided by a majority of

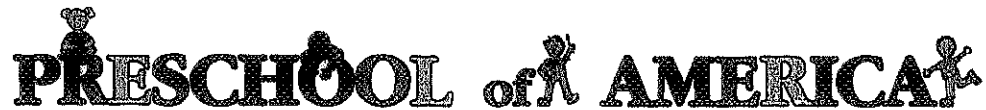
those who actually vote. You can be sure that the Union supporters will show up to vote. If you don't vote, that would mean the election would be decided by only those who want the Union. If you have any doubts about bringing the Union back, you should vote NO for NO UNION.

The election is August 2 between 1:00 and 3:00 p.m. in the gym. Please make sure that you vote.

VOTE NO FOR NO UNION DUES

VOTE NO FOR NO UNION STRIKES

VOTE NO FOR NO UNION



August 3, 2010

Annual Evaluations

We will be conducting teacher and teacher assistant annual evaluations. Everyone is evaluated base on performance, attendance and general conduct. Please be aware that your attendance is critical in our center. Absences, lateness's, and partial day attendance is a significant factor and will contribute to your overall rating.

Thank You,

Robin Mauro



PRESCHOOL of AMERICA

The children's safety is our # 1 priority. Regular and dependable staff attendance is mandatory.

- More than 1 absence per month will be grounds for immediate termination.
- More than 2 lateness (of more than 5 minutes), per month will be grounds for immediate termination. (Your agreement requires you to be here 5 minutes prior)
- No cell phones used in classroom. Using a cell phone in the classroom will be grounds for immediate termination. (All parents should communicate with the school through the office only).
- Head Teacher must have cell phones with them at the park or on walks.

Very truly yours,

Joanna Fan
Chief Executive Director



Form NLRB 5168

(3-90)

Case No. 2-CA-39988

2-CA-40056

COUNTY OF NEW YORK)

) SS

STATE OF NEW YORK)

SUPPLEMENTAL CONFIDENTIAL WITNESS AFFIDAVIT

I, Catherine Duran, being first duly sworn upon my oath, hereby state as follows:

I have been given assurances by an agent of the National Labor Relations Board that this confidential Witness Affidavit will be considered a confidential law enforcement record by the Board and will not be disclosed unless it becomes necessary to produce the confidential Witness Affidavit in connection with a formal proceeding.¹

I reside at 1750 Montgomery Avenue, 5G, Bronx NY 10453
My telephone number is (917) 528-8196

I was employed by Preschool of America (the Company), herein the Employer.

1. I was employed as a teacher's assistant with Preschool of America at their facility located at 101 West End Avenue (WEA), New York, NY , from April 10, 2007 until Monday, August 19 2010.
2. Around July 2010, Robin Mauro became the Director of the Company. Before Robin, the Director was Katherine Madaio. Katherine was the Director from September 2009 until July 2010. And before Katherine,

¹ PRIVACY ACT STATEMENT

Solicitation of the information form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceeding and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74924-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further an unfair labor practice or representation case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

the director was Mego Gojka. Mego was there since I began until about September 2009. The Executive Director of the company is Johana Fan, the owner of the company. At 101 WEA, the company has employed an accountant named Kathy Huang.

3. As accountant, Kathy is responsible to do the payroll, as well as to schedule and approve vacation leave sick days and personal days. When I had to take time off for personal obligations or to take my vacation time, I filled out a standard form that is kept in the office and that is how I requested permission for leave. Then I would take the form to Kathy after having filled it out. Kathy would open her master calendar, would review it and would note down and would approve my time telling me that I could take the absence requested. Almost always Kathy would tell me that it was ok, but there were occasions when she asked me to change my appointments for other dates. Kathy then, would take my paper where I had requested my time off and would place it in my personal record (folder in English). I did not ask for permission from any other person but Kathy. Kathy also provided me the supplies that we needed in the classrooms, including paper, clay and games.
4. At 101 WEA, the company employs about 12 teachers in stable positions about 12 assistant teachers and only one floater. These teachers serve/teach a group of about 200-250 children/students.
5. As an assistant teacher, I was responsible for helping the teacher in charge in the preparation of the lesson, teaching the planned lesson, I prepared and served the food, I supervised the children, handled the bathroom breaks and kept the classrooms clean/orderly. I was paid \$10.20 an hour. I did not receive any type of loans or company retirement plans. My work hours were 8:30 in the morning to 5:30 in the afternoon from Monday to Friday. Since about two months from when I began working in 2007, I held the position of floating assistant teacher. Since approximately June 2007, until I was terminated, I was

assigned to the class of the "Tiny Tigers" which is the class of the children ages 2 ½ to 3 ½ years old. During the years, 2008, 2009 and 2010, the teacher in charge with which I worked with was Maria Estrada.

6. The company's facility of 101 WEA, occupies the second inside this building, but the employees enter the building through the first floor. There are about 15 classrooms on the second floor, in which are included the gymnasium, a television room and a kitchen.
7. Beginning in the end of August and beginning of September of 2007, I signed an employment contract which became effective beginning September 2007 until August of 2008. At the end of August 2008, again, I signed another employment contract. My most recent employment contract began in September 2009 until August 2010. Every year, I would sign my employment contract at the end of August or beginning of September. Every year the prevailing director would call me to the office and right there I would sign my employment contract. The norms of the company with regards to taking vacation time, sick days or personal days are explained in the employment contract. The norms of the company consisted that I had the right to five vacation days, 12 sick days or personal days that were paid. They only paid me for one sick or personal day a month, but no limit existed on taking sick days or personal days without pay. Until about the winter of 2010, we also received a paid winter and spring recess. Beginning in the winter recess of 2010, the company decided to stay open during the winter and spring recess and the teachers had to report to work. The company policy with respect to lateness is that if you arrive late, you had to stay and work later. Between April 2007 when I began to work and until the moment I was fired, I maintained consistency with the use of my vacation and sick time, except during the months between September and December 2009, when I was absent with increasing frequency because I was diagnosed with an illness. I never

received any discipline from the Company for presumably violating the company rules with regards to my attendance, until the summer of 2010, I do not recall how many days I was absent in each of these two years, but I got approval for all my vacation and sick days from Kathy before taking my time off and all of my sick days were approved by Kathy when it was necessary for me to take sick leave. Beginning in about 2008, I began to arrive 5-10 minutes late to work, at least twice a week until the moment I was fired. The company never disciplined me for presumably violating the rules regarding time. All of my absences and lateness from 2010, were similar to the absences and lateness that I had taken in previous years. To the best of my memory, I took nine (9) days without pay from December 1 to December 11, 2009, to receive treatment for my illness. This absence was pre-approved by Kathy before I left and I also spoke with Kathy that I was going to be out. Furthermore, I took my five vacation days for 2010, beginning August 9 to August 13 of 2010. My vacation time was pre-approved by Kathy. Also, I remember that I was absent on February 25, 2010 for a funeral and this absence was approved by Kathy.

8. At some point in April or May 2010, District Council 1707, began to organize the main teachers and the assistants of 101 WEA. Around May 2010, I signed a union authorization card. The union card was given to me by Maria, my teacher in charge; she did it in the classroom. When Maria handed me the card she told me that it was request to join the Union and that I should sign it so that the Union could help me and that way we could become members of the Union. Maria told me that she received the card when she went to the Union meeting during the weekend. That same day, I signed the card and returned it to Maria.
9. Around June 5, 2010, I went to a union meeting at the union office. Present were the union representatives, Julio De Jesus, Henry Mora and Mike (LNU). Also, there were about 10 teacher's assistants from

the facility at 1501 Lexington Avenue, NYC. The only person that I knew from there is Reina Peralta but I did not speak to her that day at the meeting. There were also about 10 main teachers from WEA at this meeting. This meeting lasted about three (3) hours. I recall that Julio spoke to us about the Union and told us that almost everyone had signed for the Union. He stated that the Union was going to file the petitions separately, the one from WEA and the one from Lexington and that one of the facilities had to go before the other, Julian stated that the WEA facility would be filed first. I did not attend any other Union meeting besides this one.

10. On or about June 21, 2010 at about 12:45 p.m Kathy came into my classroom and handed me a sheet of paper. I saw her go to Maria and also hand her a sheet of paper. Maria, Kathy and I all came together and when I looked at the paper I knew it was a form rescinding my support for the Union. Maria and I both asked Kathy what the form was and why we had to sign it. Kathy stated that we had to sign it as proof that we did not want to be in the Union. Kathy stated, Joanna [T.N.- This is the same person as *Johana* described in paragraph 2. Any further reference to *Joanna* herein refers to *Johana*] is here in the television room and she wants us to sign it. Kathy stated that Joanna thinks that Katherine was trying to get into the Union. Maria and I both stated that we were not going to sign it because we did not want to be involved. Kathy stated, oh you two probably don't want to sign it because you probably want the Union. I signed the form and I told Kathy that this showed her that I did not want the Union. Maria signed it as well. A copy of the form that I signed is attached as Exhibit A. The conversation lasted about 5 minutes.
11. Between June 21, 2010 and the end of July 2010, I found in my mailbox many sheets that had to do with the Union explaining why we should vote no for the Union. I do not recall the exact dates that I received these sheets but copies of the sheets are attached as Exhibit

B. Every teacher and assistant teacher has a personal mailbox located in the office. Most of the time the mailboxes are used so that the director or Kathy could communicate with us. The only other use for my mailbox is when a parent wants to leave me a gift and can not find me. I never knew of my mailbox being used for any other purpose.

12. On or about July 16, 2010, I was going into the building around 11 a.m. when I passed by the office. Robin told me that she wanted to speak to me about the Union. I sat next to Robin at the only desk in the office. Kathy was also sitting at the desk about a foot and a half away from me. Robin asked me if I knew about the Union and if someone had talked to me about the Union. She asked me if I knew how the Union worked. I told her that I didn't know much about the Union. Robin stated that if we voted and we brought in the Union we could no longer speak to her about the work conditions. She stated that for example if I was assigned a new teacher and I did not like her I could no just come to Robin to fix it I would have to speak with the Union. Then Robin stated that the Union takes a percentage of our checks. Robin stated, I know you're very pretty and intelligent so when the day comes to vote I know you will vote no. Robin took out a big manila folder full of resumes and stated that there she had a folder full of resumes at any moment I could be replaced. Robin stated that if I voted for the union I would be replaced. The conversation lasted five minutes. Kathy did not speak during this conversation.

13. On or about a week after I found Robin in the kitchen at about 2 p.m during my lunch hour. Robin asked me if I had a few minutes I told her yes. Robin stated that Joanna was in the television room and wished to speak to me. I walked with Robin to the television room and we both sat with Joanna. Joanna asked Robin if I was the person that had been speaking outside with the guy from the union. Robin stated no that that was Maria. I stated that neither of us had been speaking to him. Earlier that day when Maria and I were returning from the park with the

children we were at a corner waiting to cross the street, and Julian was standing at the same corner. When we entered the school Robin came out of the office and told us that it was not permitted to speak to any person in the street. Robin asked if we knew that guy outside from the union. Maria stated that she knew him. Robin stated we were not supposed to speak to him. Maria stated that we were not speaking to him but rather just walked around him. I think that's what Joanna referred to when she asked Robin if I was the person speaking to the union representative. Joanna introduced herself as the owner of all the schools. Joanna stated that she could not believe that we had brought the union. Joanna stated that she was very good to us. Joanna stated that she came here from China with \$40 dollars in her pocket and worked at Dunkin Donuts and was a nanny. Joanna stated that she saved enough money to go to NYU and that she worked very hard and that is why she has what she has. Joanna stated that West End was one of her favorite schools and that if I had a problem I could speak with her. Joanna stated that she was the owner and that if we brought the union or not, we were not going to have what we wanted. Joanna stated that it was crazy to think that another person would come in and give orders since she was the owner. Joanna stated that the union could not get what we wanted. Robin would only say "nothing at all". Joanna asked me if someone had spoken to me about the union and if I knew something about the union. I told her that I did not know much about the union and that this was my first job in which there was something with the union. But I told her that I knew what Robin had told me about the union and what Robin's flyers stated about the union. Joanna asked me to please vote no for the union, but stated it did not matter because whatever happened the union would not get what we wanted. The meeting lasted about 15 minutes.

14. Before the union organizing campaign began, I had seen Joanna one or two times at the school. Previously, she had not introduced herself to me. Our conversation on July 23 was actually the first time I met her.
15. On or about July 28, 2010 at 11:45 a.m., Kathy came into my classroom and told me to report to the gym for a meeting with Mego, Robin, and Jill. Jill Howard has the same position as Mego. I believe they are the bosses of the director. I went to the gym at about 12:00 p.m. and I sat in a chair that had been placed in a circle. Present were about 15 assistant teachers including Anesia Lloyd, Hope Dublin, Tatiana Navia, Maria Esterbia, Tamika Singleton, John DeLeon, Ana Katz Nelson, Antoinette Monroe Amanda Nunes, Tatiana Gibbs, Taylor (LNU) Cindy (LNU), and two new assistant teachers whose names I do not know. Jill, Mego, Robin and Kathy were all there sitting in a circle as well. Mego spoke first she said hello and told us that she cared for us a lot and could not believe that this thing with the union was occurring here. Robin handed out the flyer *union or no union* which is part of Exhibit B. Robin read the flyer and would sometimes explain about the flyer. When we got to the section about pay, Robin made it sound like they were paying us more than they were supposed to. I told Mego that Robin had told me that I would be fired if I voted for the Union but I asked Mego how that was possible since they would not know how I voted in the election and if the majority voted yes I could still vote no. Robin stated that I did not understand correctly and that she did never said that. Anesia and John De Leon stated, no you told us that to us too. Mego stated that's not how it was. that we would only be replaced if we went on strike. Mego stated that if we went on strike they would need to find new people to do our jobs and after we would return they could not return us to our jobs since they would have found people to replace us. I remember that when they arrived at the vacation section of the flyer there was a lot of talk about Joanna's decision to take away the winter and spring recess. I recall having

spoken about my son in public school having to take care of him since he does not have school during these times. I recall that Jill and Robin stated that none of this was going to change that Joanna had made the new rules and she is the owner and if you want to work here you have to follow Joanna's rules. Jill and Robin both stated that the union would also not change the rules because Joanna was not going to negotiate with the union. Robin stated that it was crazy to think that the union would get something different since Joanna was the owner and no one from outside could tell her to do something different. The meeting lasted about an hour.

16. On or about July 30 Kathy came to my classroom at 11:30p.m 11:30 p.m told me that there was going to be a meeting in the gym with Joanna at 12:00 pm. On or about 12:00 I went to the gym, there were chairs in a circle. and Joanna were there. Present were Anasia Lloyd, Hope Dublin, Tatiana Navia, Maria Estvenia Torres, Joan de Leon, Ana Katz Nelson, Antoinette Monroe, Amanda Nunes, Tatiana Gibbs Taylor, assistant teacher and two other assistant teachers. Joanna asked Robin to leave the meeting and she left. Joanna began the meeting by telling us how she arrived in America. Joanna stated she came to New York with 40 dollars in her pocket and that she took care of children and worked at Dunkin Donuts to pay to go to NYU. Joanna stated that she was a good person, that West End was her favorite school and that she could not believe that we were trying to join the union. Joanna stated that she appreciated everything her teachers did and that in her school in Chinatown she gave the teachers apple necklaces from Tiffany's and gave them trips to China. Joanna stated that she was hurt and bothered when the union representatives approached her and told her that we wanted a union. I asked Joanna if she would fire us if we voted for the union. Joanna stated that she would not fire us no mater what the vote. I asked why she was hiring all these new teachers if she was not going to fire us. Joanna stated

that the school was getting bigger and needed more assistants and they were expanding to the Ethan Allen store and were trying to get the P-K license. Joanna stated that she needed more teachers for the new classrooms. Joanna stated, don't worry you will all have jobs. Joanna stated that the only way we would lose our jobs would be if we would go on strike because she would need to replace us because she needs people to take care of the children. I asked her why Robin was pressuring us if they know the union would not win. I told Joanna that Robin was pressuring us a lot. Joanna stated, no Robin is a good person and that when Joanna speaks to Robin she is always kind. I stated of course she's good to you, you are the owner. Joanna got up and stated that my problems with Robin were that, my problems. Joanna stated that she likes to meet with us like this. But if we had problems in the future and we had a union we could not speak to her, we could only speak with the union. Hope asked about the change during the summer and spring. Joanna stated that the vacations were taken away because a parent complained. Joanna stated that the union could not change that and could not come into the school because it was a private school and a small business. Joanna stated the union would lose because she has good attorneys and the union did not. Joanna stated that if we voted yes she would be upset with us and would not talk to us. Kathy came in and stated that Robin sent her to tell Joanna to end the meeting because the teachers needed to take their break. The meeting ended. The meeting lasted about an hour and fifteen minutes.

17. Around 3 p.m that afternoon, Joanna came to my classroom and asked me to go to the gym with her. We walked to the gym together and we sat on two chairs. Joanna stated that she wanted to speak to me to make sure that everything was ok and that I had no problem. I stated that I wanted Joanna to speak with Robin because we were tired of all the pressure she would put on us, checking us constantly and coming

into our classrooms. Joanna stated she would speak to her but we needed to understand her because she was new and had to deal with all the problems of the union. Joanna stated that the things from the union were new to Robin. Joanna stated we needed to give her a chance because she has a job with a lot of pressure. Joanna asked me if I trusted her. Joanna told me that I could trust her a little and that she wanted me to vote no in the union election.

18. On August 2, the union election was held. The union won the election. The next day August 3 I found a note in my mailbox from Robin that stated that she was going to be conducting annual evaluations. A copy of this letter is attached as Exhibit C. On or about August 3 I a notice in my mailbox a notice from Joanna changing the attendance policy and a copy of this notice is attached as Exhibit D. I was scheduled to be on vacation from August 9 to August 16.
19. On or about August 12 while I was on vacation I received a letter at my father's house from Joanna stating that I was fired because of my time and attendance and my performance at work. I still returned to work on August 16. Antoinette came to my classroom upstairs and told me that I needed to speak to Robin. Around 10:30 a.m. Kathy called on the classroom telephone and told me that I needed to go to her office. Before going to the office I called Julian to come to West End to represent me. When Julian arrived Kathy would not let him in but after a few minutes of being there he came in behind a parent that had been permitted in. Julian and I went to the office together. In the office were Kathy and a woman who I do not know. Julian told Kathy that he came to represent me. Kathy stated that I had to talk on the phone with Robin. She was on vacation. Julian told Kathy to put the phone on speaker. When Robin answered Kathy told her that she had me and Julian on the phone. Robin told me to pick up the phone. Julian stated that no that we had to be on speaker. Robin stated that I was being fired because of my absences and for false documents. She did not

state which documents she was talking about. I told her I did not forge any documents. Robin stated that she had nothing else to tell me and that if I had a question we could see her in court. Julian asked for my personnel file and Robin stated, no that she was on vacation. She told Julian that she would not give him any information and that everything would have to be through attorneys in court. The conversation ended. The conversation lasted about 25 minutes. I did not forge any documents and I do not know what she is talking about.

20. On or about August 19 I participated in a demonstration at West End around 4:30 p.m. At the rally were myself, Hope Dublin, Tameka Singleton, Anesia Lloyd, Tatiana Navia, Joan de Leon; Zulay Pichardo and about 30 union representatives including Julian and Mike. We stood 30 feet from the main entrance of West End. The teachers had sandwich boards and we also handed out flyers. Around 6 p.m about three teachers from Lexington whose names I do not know came. At some point during the demonstration I saw Kathy standing inside in front of the glass door. She had her cellular phone in our direction but I do not know if she was taking pictures. Around 5:00 p.m., a new director whose name I do not know walked outside the facility of West End with her arm holding Allison Glass on one side and Jennifer Devure on her other side. The new director approached us and told us these are our good teachers at Pre-School of America. I left when the rally ended at about 6:30 p.m.

21. All the conversations I have spoken about in this affidavit were in English. I can speak and understand English and have always spoken to Kathy and Robin and Joanna in English.

I am being provided a copy of this Confidential Witness Affidavit for my review. If, after reviewing this affidavit again I remember anything else that is relevant, or desire to make any changes, I will immediately notify the Board agent. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this statement consisting of 13 pages, including this page. I fully understand its contents, and I certify that it is true and correct to the best of my knowledge and belief.

_____/s/_____
Catherine Duran

Subscribed and Sworn to Before me at
New York, NY
This 27 day of September 2010

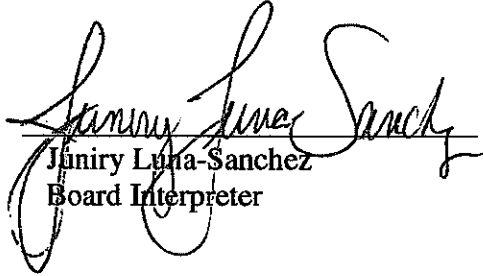
_____/s/_____
Nicole Buffalano, Board Agent
National Labor Relations Board

_____/s/_____
Juniry Luna-Sanchez
Board Interpreter

CERTIFICATION

AFFIDAVIT OF: Catherine Duran

I hereby certify that I am fluent in English and Spanish and that the attached translation is an accurate translation of the Affiant's Spanish Affidavit.


Juniry Luna-Sanchez
Board Interpreter